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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,082	05/15/2001	Michael D. Jenkins	X0105A	2533

7590 05/10/2004  
JAMES J. RALABATE  
5792 MAIN STREET  
WILLIAMSVILLE, NY 14221

EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

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DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/858,082

Applicant(s)

JENKINS ET AL.

Examiner

Temica M. Davis

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G., 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Budd et al (Budd), U.S. Patent No. 6,360,104.

Regarding claim 1, Budd discloses a personal communicator (54) comprising in combination three modules, said modules that have means that allow each to be removable and have means to keep each module connected to each other, said modules being a communications module (56), a display module (60) and a core module (86), said communications module having an ear piece with means to cooperate and function with a microphone located in said personal communicator in or outside said communications module to act thereby as a mobile telephone (col. 7, lines 21-25), said personal communicator having activation means selected from the group consisting of touch activation, audio activation and mixtures thereof (col. 7, lines 26-39), each of said detachable modules when detached having means to function when connected to or with other enclosures or attachments, said core module having a single completely closed housing having internally therein components of a fully functional conventional general purpose computer including internal non-volatile mass storage

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means, said core module not functional as a computer when standing alone or when detached from said personal communicator, said core module having means to be used with totally new and different type structures other than said personal communicator, and wherein all of said components in said core housing are completely enclosed therein and may not be removed, said core module devoid of any power means, said power means only supplied by said personal communicator or other enclosures (col. 7, lines 8-39; figures 11-13).

Regarding claim 3, Budd discloses the core computer module of claim 1 with all of the components of a general purpose computer and having when detached, activation means selected from the group consisting of audio activation means, eye-tracking activation means, electroencephalography activation means, head and arm-tracking means, touch activation means and mixtures thereof (col. 7, lines 26-32).

Regarding claim 4, Budd discloses the personal communicator of claim 1 wherein said core computer module comprises a pager and e-mail means (i.e., the cellular phone when connected to the core; figure 11).

Regarding claim 5, Budd discloses the personal communicator of claim 1 wherein said core computer module comprises means selected from the group consisting of a pager, facsimile means, personal organizer or mixtures thereof (i.e., the cellular phone when connected to the core; figure 11).

Regarding claim 9, Budd discloses the personal communicator of claim 1 when assembled with each of said detachable modules connected having an antenna mouth piece and an ear piece in said communications module and a means to connect to said

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core computer module in an outside positioned keypad on the outside surface of said communication module, thereby having means to function as a mobile phone when all modules are connected (figures 11-13).

Regarding claim 10, Budd discloses the personal communicator of claim 1 having incorporated therein a member selected from the group consisting of a television means, a radio means, a still camera means, a video camera means and mixtures thereof (col. 6, lines 55-58).

Regarding claim 11, Budd discloses the personal communicator of claim 1 having at least two display means, a first in said display module and a second in said communications module or said core module (col. 6, lines 55-59, col. 7, lines 33-36).

Regarding claim 12, Budd discloses the personal communicator of claim 1 where all of the said modules are removably connected to each other (figure 12).

Regarding claim 13, Budd discloses the personal communicator of claim 1 where the communications and core computer modules are permanently connected to each other (figure 11).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budd.

Regarding claim 2, Budd discloses the personal communicator of claim 1 as described above.

Budd, however, fails to specifically disclose wherein said core computer module has at least the following: At least a 16 bit microprocessor with a memory of at least 32 Mbytes of RAM: and A mass storage memory of at least 80 Mbytes.

The examiner, however, contends that it would have been obvious to a person of ordinary skilled in the art at the time of invention to implement a computer module that has at least a 16 bit microprocessor with a memory of at least 32 of Mbytes of RAM and storage memory of at least 80 Mbytes since it was known in the art that computer modules can have a microprocessor with a wide variety of memory space, including the common 32 MB of memory used in computers, and the examiner takes official notice as such.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budd in view of .Sainton et al (Sainton), U.S. Patent No. 6,134,453.

Regarding claim 6, Budd discloses the personal communicator of claim 1 and as described above.

Budd, however, fails to specifically disclose having means for the personal communicator to be docked into a monitor having a display substantially larger and with greater resolution than the display in said display module.

Sainton discloses docking means for a computer module to be docked into a monitor having a display substantially larger and with greater resolution than the display in said display module (col. 15, lines 7-31; figure 7).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Budd with the teachings of Sainton for the purpose allowing voice communication over radio network service providers (Sainton, col. 15, lines 28-31).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budd in view of Barrus et al (Barrus), U.S. Patent No. 5,768,100.

Regarding claims 7, Budd discloses the core computer module of claim 1 as described above.

Budd, however, fails to specifically disclose having means for the computer module to be docked into a monitor having a display substantially larger and with greater resolution than the display in said display module.

Barrus discloses having means for a computer module to be docked into a monitor having a display substantially larger and with greater resolution than the display in said display module (col. 4, lines 23-44).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Budd with the teachings of Barrus for the purpose of providing access to a variety of peripheral devices (Barrus, col. 4, lines 23-38).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budd in view of (Voroba et al (Voroba), U.S. Patent No. 6,091,965.

Regarding claim 8, Budd discloses the personal communicator of claim 1 as described above.

Budd, however, fails to specifically disclose having means for attachment of the personal communicator to the body of the user.

Voroba discloses a personal communicator that has means for the communicator to be attached to the body of the user (abstract and col. 5, lines 40-47).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Budd with the teachings of Voroba for the purpose of retaining the communicator to the user for easy portability (Voroba, abstract).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kleinschmidt et al, U.S. Patent No. 6,085,112, discloses a modular communications device.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.

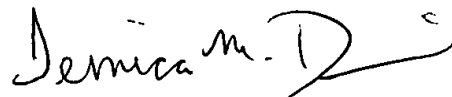


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis  
Examiner  
Art Unit 2681

May 2, 2004

A handwritten signature in black ink, appearing to read "Temica M. Davis", with a stylized flourish at the end.

**TEMICA M. DAVIS**  
**PATENT EXAMINER**